



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

September 22, 2021

Chris Dunker
2207 Lake Street
Lincoln, NE 68502

Re: Clarification Freedom of Information Act Request EPA-R7-2021-006415

Mr. Dunker:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA) Freedom of Information Office on September 8, 2021. In your request, you seek:

“Date Range (February 23, 2021-September 7, 2021); Communications (Correspondence with state, Correspondence from the EPA to NE partners and correspondence to EPA related to AltEn site, Including role with state and EPA); Communications should focus on state of Nebraska's engagement with EPA with respect to AltEn site; Communications (Correspondence between EPA and NDEE); Request can EXCLUDE biweekly meeting reminders/emails; Search term keywords (Pesticide, treated seed, ground water, AltEn).”

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA's FOIA regulations explain:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.” 40 C.F.R. § 2.102(c).

I. Clarification

On September 16, 2021, Angela Stillwagon and Kasey Barton with Region 7 Office of Regional Counsel called to speak with you about your request. As indicated in 40 C.F.R. § 2.102(c), you discussed specific information about the records you seek and provided additional details about your request. During the call you confirmed you would like external correspondence from the EPA to Nebraska only. Additionally, EPA Region 7 discussed the release of potentially responsive documents could reasonably be expected to harm pending or prospective enforcement proceedings. You confirmed you would like to proceed with your request understanding the possibility certain documents may not be released.

II. Next Steps

The processing clock has been restarted for your request. EPA has initiated the search and review of potentially responsive records in our files. EPA will need to coordinate with relevant Subject Matter Experts on the release of any responsive materials. EPA estimates a completion date of October 12, 2021. Please note, this estimated completion date may be subject to change, and as discussed, we will reach out to you again to provide you with an update and discuss any questions you have.

You may contact Angela Stillwagon by email at stillwagon.angela@epa.gov or by phone at (913) 551-7707 to arrange a specific date and time to discuss the clarification of your request. Clarified requests may be submitted to Angela Stillwagon at the above email address.

For further assistance or to discuss any aspect of your request, you may also contact EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202)741-5770 or(877)684-6448;or fax:(202) 741-5769. For all media inquiries, please contact press@epa.gov.

Sincerely,

Angela Stillwagon
Attorney
Office of Regional Counsel